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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Ralf Ruther

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EXAMINER

SINGH, RAMNANDAN P

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/743,030

Applicant(s)

RUTHER, RALF

Examiner

Ramnandan Singh

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed on Jun. 12, 2006 have been considered but are moot in view of the new ground(s) of rejection. Further, it may be noted that there is a typographical error on page 1 of the applicant's amendment filed on Jun. 12, 2006, which states that this amendment is in response to the Office action dated January 11, 2005. This is incorrect. This amendment is in response to the Office action dated January 11, 2006.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Schoeder et al [US 5,797,098].

Regarding claim 9, Schoeder et al teach a telecommunication terminal (1) shown in Fig. 1A, comprising:

an optical display (11) [col. 3, lines 39-42];

a microprocessor (i.e. CPU 20) having a menu structure having a plurality of different option functions [col. 11, lines 59-61];

memory table in the microprocessor [col. 5, lines 24-32], the memory table including catch-words (i.e. list of keywords) with each catch-word having a respective option function allocated thereto [col. 5, lines 42-51; Fig. 12; col. 11, lines 3-15]; and

an input device (i.e. keyboard 28) that accepts input from a user of the telecommunication terminal to select an option function without changing operating modes in the process [col. 3, lines 44-63], wherein, when a catch-word is selected by the user via the input device, a respective option function allocated to the catch-word is immediately implemented after the selected catch-word has been confirmed [col. 11, lines 27-32; col. 15, line 41 to col. 16, line 42; Fig. 5; col. 6, line 46 to col. 7, line 9; Fig. 13; col. 11, lines 33-55; col. 11, line 65 to col. 12, line 5].

Regarding claim 10, Schoeder et al further teach the telecommunication terminal, wherein the catch-words of the memory table are selected via at least one of alpha numeric input keys and scroll keys [col. 3, lines 21-34; col. 3, lines 43-45; col. 4, lines 31-40; col. 13, lines 48-55].

Regarding claim 11, Schoeder et al further teach the telecommunication terminal, wherein, when a catch-word is immediately presented to the user for editing to allocate a different option function to the catch-word in the memory table [Fig. 10; col. 10, lines 19-45].

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schoeder et al as applied to claim 9 above.

Regarding claim 12, although Schoeder et al further teach the telecommunication terminal, wherein the telecommunication terminal is a handheld cellular telephone [Fig. 1A; col. 1, lines 11-16], they do not teach expressly that the telephone is one of a DECT or GSM.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to make the cellular telephone one of a DECT or GSM standard compliant in order to allow the invention to be used by users of all telephony systems.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schelfhout [DE 19600555] teaches navigating hierarchical menu using an indicated menu selection catch-word [Whole document].

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramnandan Singh  
Examiner  
Art Unit 2614



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